

DRAWINGS

Formal drawings with clear numbers and labels are submitted herewith, addressing the objection to the drawing on page 2 of the Office Action.

REMARKS

Claims 1, 4-6, 9 and 10 remain active. Undersigned counsel thanks Examiner Oh for an interview held on November 16, 2004, summarized below.

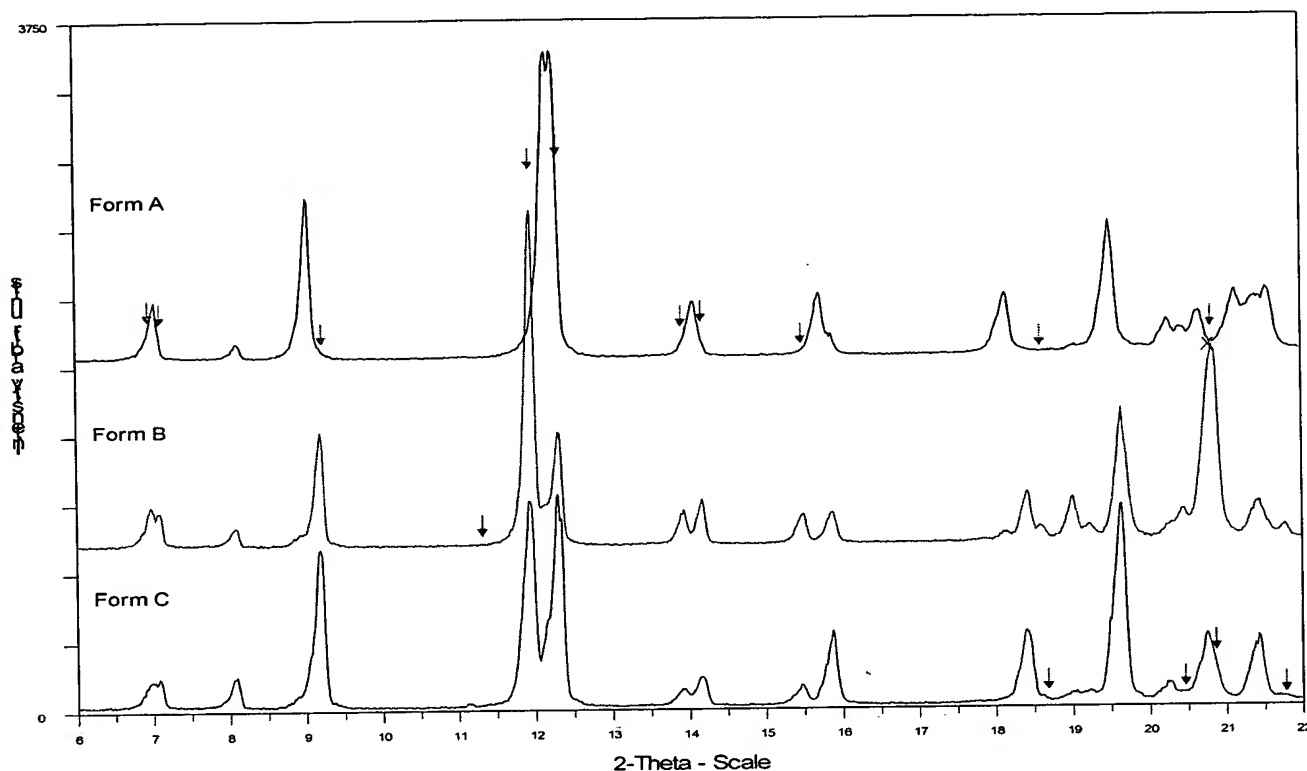
The present invention relates to a method for crystallizing the compound of formula (1) to produce a selected polymorph, Form A.

Claims 1 – 10 are rejected under 35 USC 112, second paragraph as being indefinite

The phrase “polymorphic Form A” in claims 1 - 4 and 6 – 9 is said to be vague and indefinite. This rejection is respectfully traversed.

As the Examiner noted, a PXRD spectrum may be considered a “fingerprint” of the desired compound. Figure 6 of the specification, reproduced below for convenience, contains the fingerprints of Forms A, B and C. The arrows in the figure indicate where peaks due to impurities from Forms B and C would appear in a sample of Form A:

Thus, a person of skill in the art can readily identify these different crystal products using PXRD analysis, which is described in Example 10 of the application.



With regard to the vagueness rejections of claims 1, 2, 6 and 7, the phrase “other polymorphs” has been deleted; and, in claims 3, 5, 8 and 10, the term “substantially” has been deleted.

Applicants submit that the case is now in condition for allowance. Early notification of such action is solicited.

AUTHORIZATION

Applicants believe there is no additional fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Villacorta', written over a horizontal line.

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